



HR & Competitive Sourcing - The Same Rules Apply

Working for America

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT





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What we'll cover . . .

- Procedures and Regulations
- Benefits if RIFFED
- Career Transition Programs
- Right of First Refusal
- HR Flexibilities



Competitive Sourcing Results

- Competitive review/decision can result in:
 - Restructuring
Government keeps work, but more efficient
 - Outsourcing
Government retains ownership & control
 - Privatization
Government gives up ownership & control
- All are “*Reorganizations*”

Reorganization

- Planned elimination, addition, or redistribution of functions or duties in an organization. Could include:
 - Changing duties, roles, qualifications, responsibilities for one or more positions
 - Establishing or abolishing one or more positions
 - Changing reporting relationships



RIF procedures are required . .

When employees will be involuntarily separated, downgraded or furloughed* due to....

- Lack of Funds
- **Shortage of Work**
- Insufficient Personnel Ceiling
- **Reorganization**

....**and** alternatives don't work



* Furlough duration determines if RIF or adverse action

It's hard to escape Reduction in Force (RIF) . . .

- RIF may be required:
 - If the work stays in-house, to move to most efficient organization
 - If the work goes contract, to move work out and address remaining functions





RIF Outcomes/Benefits Information

- **Downgraded:**

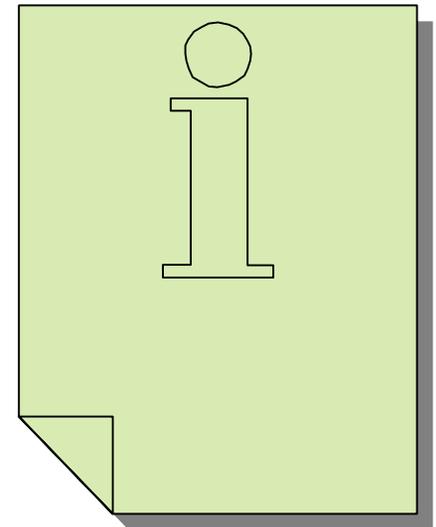
- Grade or Pay Retention
- Repromotion Priority

- **Separated:**

- Severance Pay or Annuity
- Unemployment Compensation
- Selection Priority/Transition Assistance

Transition Information

- Career Transition services:
 - Resume preparation
 - Job search assistance
 - Skills assessment/career counseling
 - Retraining
 - Strong agency placement policies
- Placement assistance:
 - CTAP (priority to stay with agency)
 - RPL (priority to return to agency)
 - ICTAP (priority in other agencies)





Right of First Refusal (RoFR)

- Contracting/procurement provision, not a Federal HR regulation
- Employee must be *adversely affected* and qualified; only applies to jobs created by decision
- Released from competitive level (similar jobs)
- Never guarantees an offer—contractor decides
- No impact on employee's entitlement to RIF placement, severance pay, separation incentives, Federal placement assistance, etc.

Management Alternatives to RIF

- Hiring Freezes/Attrition/Selective appointments (temps, terms)
- VERA
- Buyouts (P.L. 107-296/Interim Regs 2/4/03)
- Reassignments--voluntary or directed; can be to any location
- Modified qualifications with training
- Aggressive transition/in- and out-placement programs



A vertical strip of an American flag is visible on the left side of the slide, showing the stars and stripes.

Some Reference Tools

Restructuring Tools for Agencies

- Restructuring Information Handbook (RIH) Modules on the OPM web site
 - ✓ 1-- Restructuring Alternatives
 - ✓ 2-- RIF Planning
 - ✓ 3-- RIF
 - ✓ 4-- Transfer of Function
 - ✓ 6-- Reemployment Priority List (RPL)



Available at www.opm.gov/rif/general/rifmenu.htm

(e-mail us for most recent draft versions)

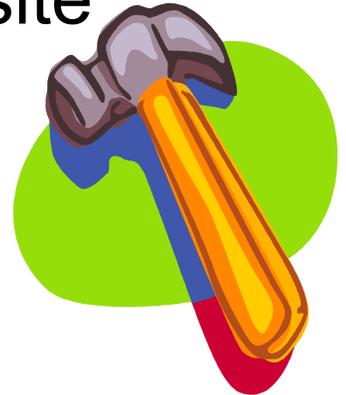
Restructuring Tools for Employees

- Employee Guides on the OPM web site

- ✓ RIF

- ✓ Benefits for those Affected by RIF

- ✓ Career Transition



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(e-mail us for most recent draft versions)

Other Info on the Web

- **Other materials on OPM web site:** look on www.opm.gov under the subject headings on the site index
- **Job listings:** www.usajobs.opm.gov (or by phone at 478-757-3000)
- **DoD Web sites:** <http://emissary.acq.osd.mil/inst/share.nsf> (info sharing web site) <http://web.lmi.org/osd/osdhome.asp> (includes a draft Handbook on HR Actions in A-76)
- **OMB:**
 - **FAIR Act:** www.whitehouse.gov/omb/procurement/fair-index.html
 - **Circulars Page:** www.whitehouse.gov/omb/circulars
 - **OMB info on the PMA:** www.results.gov

Related Web Sites

- Fed. Reg. and 5 CFR:
www.access.gpo.gov/nara/cfr/
- MSPB decisions: www.mspb.gov
- US Ct. of Appeals Fed. Circuit:
www.fedcir.gov
- Many post-1995 Fed. Circuit decisions:
www.law.emory.edu/fedcircuit
- Arbitration decisions: www.flra.gov